
Chapter 10 REPORTS (Davis-Bacon and Related Acts)

- 10-1 **Introduction.** The U.S. Department of Labor (DOL) regulations at 29 CFR § 5.7 describe the four types of reports that HUD must submit to the Secretary of Labor:
- A. **Enforcement reports**, which cover wage underpayments by contractors and subcontractors. Note that enforcement reports concern only wage violations associated with projects or contracts subject to the labor standards provisions of the Davis-Bacon and Related Acts (DBRA).
 - B. **Semi-annual enforcement reports**, which cover compliance and enforcement activities under the provisions of the Davis-Bacon and Related Acts in accordance with the Reorganization Plan No. 14 of 1950.
 - C. **Additional information reports**, which cover contracting activity by contractors and subcontractors upon request by DOL.
 - D. **Contract termination reports**, which cover contract terminations due to violations of labor standards provisions or other statutes.
- 10-2 **Enforcement reports.** Enforcement reports, as described at 29 CFR § 5.7(a), may or may not need to be submitted to DOL.
- A. **Reports Not Sent to DOL.** An enforcement report does not need to be submitted to DOL when the following parameters are met:
 - 1) Underpayments totaled less than \$1,000; **and**
 - 2) There is no reason to believe the violations were aggravated or willful; **and**
 - 3) Restitution has been effected and future compliance assured; **and**
 - 4) The investigation was not made at the request of DOL.

All four of these conditions must be met before determining that the report does not need to be sent to DOL. In all other situations, a report must be filed with DOL.
 - B. **Reports Sent to DOL.** An enforcement report must be sent to DOL when the following parameters are met:
 - 1) Underpayments by a contractor or subcontractor total \$1,000 or more (*Note:* The \$1,000 threshold refers to the underpayments of a single employer to its *entire* workforce and not to individual employees.); **or**
 - 2) There *is reason to believe* that labor standards violations are aggravated or willful; **or**
 - 3) Restitution has not been effected and future compliance is not assured; **or**
 - 4) The investigation was made at the request of DOL.

If at least one of the conditions listed above is met, the report must be sent to DOL.

- C. **Submission protocols.** When enforcement reports are required to be submitted to DOL in accordance with Section 10-2 above, the enforcement report must be submitted to DOL through HUD. LCAs shall submit enforcement reports to the LSS for their jurisdiction. Reports received or prepared by the LSS shall be submitted to the Deputy Director. The Deputy Director shall submit the report directly to the DOL Regional Enforcement Coordinator and shall send a copy to DBLS Headquarters (HQLS) for its information.
- D. **Timing of the report.** Enforcement reports that require or request further action or review must be submitted to DOL within 60 days after the completion of the investigation. “Investigation” in this context includes all compliance monitoring, including routine payroll reviews, and all actions taken by the agency or contractor toward disposition of the case such as agreement to pay restitution, refusal to pay, and/or request for a hearing.

Therefore, the report should not be prepared until *after* final disposition is reached at the local level. It is not necessary to wait until all of the underpaid workers have received the restitution found due to prepare the report.

Where the report must be submitted to DOL through HQLS, the Deputy Director shall furnish the report to HQLS not later than 45 days after completion of the investigation. This allows adequate time for HQLS to complete its review and submit the report within the overall 60-day deadline.

- E. **Content of the report.** The amount of detail needed in the report and any supporting documentation is dependent on the report’s purpose. Each enforcement report must contain basic coverage information: project identification and location, the contractor and any subcontractors involved, the nature of the violations, the number of underpaid workers and the total amount calculated due, the disposition of the case, and schedule of the wages found due.

Reports that refer a request for further action (i.e. a hearing or debarment recommendation) must be detailed in narrative and must be accompanied by exhibits which, together, are sufficient to substantiate the violations and document the investigative actions of the agency.

- 10-3 **Semi-annual enforcement reports.** HUD is required to furnish to DOL semi-annual reports (SAR) concerning the volume of DBRA-covered activities and the compliance and enforcement of DBRA labor standards provisions in HUD programs. The reports are due to DOL by April 30 and October 31 of each calendar year and cover the periods of October 1 through March 31 and April 1 through September 30, respectively. (See DOL regulations at 29 CFR § 5.7(b) and All Agency Memorandum 189.) To prepare the SAR, HQLS collects data on internal projects from the labor standards information system (LSIS, currently LR2000) and collects data on LCA activities from each Deputy Director. The Deputy Director collects the information from the LCAs in their jurisdiction and compiles it for submission to HQLS. HQLS then submits a

consolidated report to DOL, which accepts electronic submittals in lieu of paper copies at SemiAnnualReport@DOL.gov.

- A. **HUD-administered projects.** SAR data relative to projects administered by HUD DBLS staff are recorded in and drawn from the LSIS. Deputy Directors must ensure that the SAR data in LSIS are correct and complete not later than six (6) federal workdays in advance of the due date to DOL. HQLS shall begin drawing the LSIS SARs on the 5th work day in advance of the due date to DOL.
- B. **LCA-administered projects.** LCAs must maintain the data necessary for the SAR and submit the data to HUD on form HUD-4710. The LSS/Deputy Director collects the data (HUD-4710) during the first week of April and October from the LCAs in their jurisdiction. Deputy Directors shall compile the LCA data for their region and submit the compiled data to HQLS no later than six (6) working days in advance of the due date to DOL. The HUD-4710 and instructions are available online at [HUDClips](#). The HUD-4710 is on-screen fillable and can be transmitted to HUD electronically.
- 10-4 **Additional information reports.** Upon request by DOL, HUD shall transmit a report that contains the information it has available with respect to contractor and subcontractor activities and the labor standards provisions referenced in this chapter.
- 10-5 **Contract termination reports.** Whenever a contract is terminated because of violations of DBRA labor standards provisions, a report must be promptly submitted to DOL. The report must include:
1. The name and address of the contractor or subcontractor whose contract has been terminated;
 2. The name and address of the contractor or subcontractor, if any, who will complete the work;
 3. The contract number and the amount; and
 4. A description of the work to be performed.

The agency (HUD or LCA) generating the report shall complete it within 30 days after the contract is terminated. LCAs shall submit contract termination reports to the LSS for their jurisdiction. All termination reports must be submitted to HQLS through the respective Deputy Director. (See also DOL regulations at 29 CFR § 5.7(d).)